



**DEPARTMENT OF THE ARMY**  
**LOS ANGELES DISTRICT, CORPS OF ENGINEERS**  
P.O BOX 532711  
**LOS ANGELES, CALIFORNIA 90053-2325**

REPLY TO  
ATTENTION OF:

September 23, 2003

Office of the Chief  
Regulatory Branch

County of San Diego  
Attention: Robert Asher  
Resource Planning Chief  
5201 Ruffin Road, Suite B  
San Diego, California 92123-1666

Dear Mr. Asher:

This letter concerns the development of a Special Area Management Plan (SAMP) for the Otay River watershed, County of San Diego, California. As you know, the Corps of Engineers (Corps) and the County of San Diego (County) have been working diligently over the past few months to jointly prepare a document that defines our respective roles and responsibilities regarding the development of the Otay River SAMP. The final roles and responsibilities document that we have both accepted is attached. This document does not in any manner limit the statutory authorities and responsibilities of the Corps under Section 404 of the Clean Water Act.

We appreciate the efforts made by the County in finalizing the document. If you have any questions, please contact Jeannette Baker of my staff at (858) 674-5385.

Sincerely,

Mark Durham  
Chief, South Coast Section  
Regulatory Branch

Enclosure(s)

## **ROLES AND RESPONSIBILITIES**

The Army Corps of Engineers (Corps) and the County of San Diego (including other local government participants) anticipate that the development of the SAMP will involve close collaboration and engagement between the parties and other public agencies. The Corps and the County jointly acknowledge that a primary purpose of the SAMP is to provide a basis for regulatory permitting under section 404 of the Clean Water Act and, as such, the SAMP must undergo a process of independent review and approval by the Corps to ensure that applicable regulatory standards and requirements have been met.

### **Phase 1**

1. Task 1 Initiate Study: The Corps initiated the study in February 2001.
2. Task 2 Establish Agency and Stakeholder Committees: As described in the Cooperative Agreement, the County will establish an Executive Committee and a Coordination Team to ensure ongoing involvement and coordination among the local, state, and federal agencies with an interest in the SAMP. In addition, the County will form a working group consisting of responsible organizations and individuals in the region who have an interest in the SAMP. The information provided by members of the group will be furnished on an individual, rather than collective, basis.
3. Task 3 Prepare Purpose and Need Statement: The County will develop and submit to the Corps a Purpose and Need Statement.
4. Task 4 Prepare Basic and Overall Project Purpose Statement: The County will develop, pursuant the section 404(b)(1) Guidelines, a Basic and Overall Project Purpose Statement reflecting the underlying resource, environmental, and land use objectives of the SAMP. The County will collaborate with the Corps as the statement is being drafted. The Corps will determine the Basic and Overall Project Purpose in consideration of the statement provided by the County.
5. Task 5 Planning Level Delineation: The Corps will conduct the Planning Level Delineation.
6. Task 6 Landscape Level Functional Assessment: The Corps will generally oversee all field sampling and the preparation of this assessment.
7. Task 7 Supplemental Technical Studies: The Corps will oversee technical studies necessary to develop the SAMP, including hydrologic modeling and water quality analysis for the Watershed. The Corps will work with the County

to identify any supplemental studies necessary to support the SAMP and the environmental documentation and jointly determine the party responsible for undertaking such studies. In addition, the Corps and the County may also conduct appropriate record and literature searches. The County will provide any existing data that may be necessary to assist the Corps in this task. The County may also undertake studies and analyses it deems to be necessary for the development of the SAMP. All such studies and analysis performed by the County will require Corps verification and approval if they are to be used to support the SAMP and/or NEPA documentation.

## **Phase 2**

1. Task 8 Publish NOI in Federal Register: The Corps, with the assistance of the County, will be responsible for the development and publication of the Notice of Intent.
2. Task 9 EIS/EIR Scoping Meeting: The Corps, with the assistance of the County, will oversee the NEPA scoping process, including the timing and location of scoping meetings. Pursuant to the NEPA process, the Corps and the County will work together to review scoping transcripts and respond to public comments. This information will be included in NEPA documentation as supporting materials. The Corps will determine the adequacy of this process.
3. Task 10 Identification and Analysis of Alternatives: Pursuant to the section 404(b)(1) Guidelines, the County, in consultation with the Corps, will develop and analyze a reasonable range of off-site alternatives and establish a process to evaluate on-site alternatives for individual projects to ensure that the SAMP reflects the least environmentally damaging practicable alternative (LEDPA) in light of overall project purpose. The Corps may add to or revise off-site alternatives proposed by the County. The section 404 (b)(1) analysis provided by the County will be subject to independent review and analysis by the Corps. The section 404(b)(1) analysis will provide the basis upon which alternatives will be considered by the Corps in the context of NEPA.

## **Phase 3**

1. Task 11 Mitigation and Management Plan: The County will prepare a draft comprehensive mitigation plan to address unavoidable impacts to aquatic resources covered by the SAMP. The plan will propose various approaches to mitigation, including preservation, enhancement, restoration, and creation of resources, sufficient to achieve the conservation objectives of the SAMP. The County will also develop a draft plan for the management and monitoring of

protected resources. The County will seek to ensure consistency between the management and monitoring plan and existing resources management plans such as those developed under the San Diego Multiple Species Conservation Program, Otay Valley Regional Park Concept Plan, and the Otay Ranch General Development Plan. This task will result in the development of a Mitigation and Management Plan. The Corps will independently review and approve the County's Mitigation and Management Plan. In addition, the Corps, in consultation with the County, will prepare a watershed restoration plan that will identify areas that may be included in an aquatic resources preserve. The Corps will strive to ensure consistency between the watershed restoration plan and the County's draft Mitigation and Management Plan.

2. Task 12 Identification of Permits: Based on the information developed for the SAMP the Corps will determine the type(s) of permits that would be available for activities occurring within the Otay Watershed.
3. Task 13 Draft EIS/EIR: Following independent review and verification of all relevant documents, the Corps will oversee the production of a draft EIS/EIR. The Corps will initiate environmental review of the SAMP consistent with the requirements of NEPA and oversee the preparation of the appropriate documentation. The Corps will also coordinate its NEPA review with CDFG, as the lead CEQA agency, to ensure consistency and continuity with the review of the MSAA under CEQA. This task will result in the preparation of a draft and final EIS/EIR.
4. Task 14 Public Hearing: The Corps, with the assistance of the County, will hold a public hearing on the SAMP. The Corps will coordinate with the County on the time and location of the meeting. The Corps and the County will work together to review hearing transcripts and respond to public comments. This information will be included in NEPA documentation as supporting materials. The Corps will determine the adequacy of this information.
5. Task 15 Final EIS/EIR: The Corps is responsible for overseeing the completion of the Final EIS/EIR.
6. Task 16 Sign Record of Decision (ROD): The Corps will prepare and issue the Record of Decision.

**\*County includes the County of San Diego, all other local agencies represented by the County and all subcontractors that are under contract with the County.**